

111TH CONGRESS  
2D SESSION

# S. 3891

To amend the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to make grants for recruiting, training, and retaining individuals, with a preference for individuals from underrepresented groups, as teachers at public elementary and secondary schools, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. BURRIS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to make grants for recruiting, training, and retaining individuals, with a preference for individuals from underrepresented groups, as teachers at public elementary and secondary schools, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Diverse Teachers Re-  
5       cruitment Act of 2010”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Issues of teacher diversity and cultural com-  
4 petence are critical factors influencing the achieve-  
5 ment gap among elementary school and secondary  
6 school students and must be addressed by national  
7 education policy, as recommended in the report enti-  
8 tled “Assessment of Diversity in America’s Teaching  
9 Force”, presented by the National Collaborative on  
10 Diversity in the Teaching Force in 2004.

11 (2) Some experts believe the lack of diversity  
12 among public schoolteachers inhibits positive learn-  
13 ing outcomes generally, and can leave students in  
14 underrepresented groups without role models to  
15 whom the students can relate, which may lead to  
16 poorer performance in the classroom. Statistics show  
17 that for students in some underrepresented groups,  
18 a lack of diversity among public school teachers con-  
19 tributes to lower standardized test scores and lower  
20 graduation rates.

21 (3) Department of Education statistics reveal a  
22 lack of diversity among public schoolteachers. Dur-  
23 ing the school year of 2007 through 2008, an esti-  
24 mated 83.1 percent of public schoolteachers were  
25 Caucasian, while 7.1 percent were Latino, 7 percent  
26 were African-American, and 1.2 percent were Asian.

1 Of all public schoolteachers, 24.1 percent were male  
2 and 75.9 percent were female.

3 (4) Teacher demographics should be sufficiently  
4 diverse to provide the educational benefits described  
5 in paragraphs (1) and (2), including ensuring that  
6 students have role models—

7 (A) from diverse backgrounds and racial  
8 and ethnic groups; and

9 (B) of different genders.

10 (b) PURPOSES.—The purposes of this Act are—

11 (1) to further a compelling interest in obtaining  
12 the educational benefits that result, particularly for  
13 schools with a concentration of individuals in 1 or  
14 more categories described in section  
15 1111(b)(2)(C)(v)(II) of the Elementary and Sec-  
16 ondary Education Act of 1965 (20 U.S.C.  
17 6311(b)(2)(C)(v)(II)), from a diverse group of ele-  
18 mentary school and secondary school teachers, in-  
19 cluding—

20 (A) promoting learning outcomes generally,  
21 and reducing achievement gaps for diverse stu-  
22 dent bodies; and

23 (B) increasing student cultural competence  
24 by better preparing students for an increasingly  
25 diverse workforce and society;

1           (2) to provide narrowly tailored activities by  
 2           funding the activities for the period needed to attain  
 3           meaningful numbers or a critical mass of teachers  
 4           who are individuals from underrepresented groups,  
 5           sufficient to provide the educational benefits de-  
 6           scribed in paragraph (1), and offering the activities  
 7           for other teachers as well; and

8           (3) to remedy the historically low employment,  
 9           among teachers in public elementary schools and  
 10          secondary schools, of individuals from underrep-  
 11          resented groups.

12 **SEC. 3. RECRUITMENT, TRAINING, AND RETENTION OF**  
 13 **TEACHERS, INCLUDING TEACHERS FROM**  
 14 **UNDERREPRESENTED GROUPS.**

15          (a) IN GENERAL.—Title II of the Elementary and  
 16          Secondary Education Act of 1965 (20 U.S.C. 6601 et  
 17          seq.) is amended by adding at the end the following new  
 18          part:

19 **“PART E—RECRUITMENT, TRAINING, AND RETEN-**  
 20 **TION OF TEACHERS, INCLUDING TEACHERS**  
 21 **FROM UNDERREPRESENTED GROUPS**

22 **“SEC. 2501. GRANT PROGRAM.**

23          “(a) AUTHORIZATION.—From amounts appropriated  
 24          under section 2505, the Secretary shall make grants on  
 25          a competitive basis to eligible entities for—

1           “(1) recruiting and conducting outreach to indi-  
2           viduals from underrepresented groups as teachers at  
3           public elementary schools and secondary schools; and

4           “(2) providing training (on promoting learning  
5           outcomes, reducing achievement gaps for diverse  
6           student bodies, and increasing student cultural com-  
7           petence) and retention incentives (other than reten-  
8           tion rights) to teachers at public elementary schools  
9           and secondary schools, with a preference for teach-  
10          ers who are individuals from underrepresented  
11          groups.

12          “(b) ELIGIBILITY.—The Secretary may only make a  
13          grant under subsection (a) to an eligible entity that—

14               “(1) serves schools that have difficulty recruit-  
15               ing and conducting outreach to, training, and retain-  
16               ing individuals from underrepresented groups as  
17               teachers; and

18               “(2) submits an application at such time, in  
19               such form, and containing such information and as-  
20               surances as the Secretary may require, including—

21                   “(A) a description of how the eligible enti-  
22                   ty, through the activities the eligible entity car-  
23                   ries out with the grant funds, will seek to en-  
24                   sure recruitment, conducting outreach to, train-

ing, and retention of a significant number of individuals from underrepresented groups;

“(B) a description of the difficulty recruiting, conducting outreach to, training, and retaining individuals from underrepresented groups experienced by the schools served by the eligible entity; and

“(C) information—

“(i) demonstrating the educational benefits that the activities are designed to provide, resulting from a diverse group of elementary school and secondary school teachers, including—

“(I) promoting positive learning outcomes generally, and reducing achievement gaps for diverse student bodies; and

“(II) increasing student cultural competence by better preparing students for an increasingly diverse workforce and society; and

“(ii) demonstrating that the schools involved do not have a sufficiently diverse group of teachers to provide the benefits.

1       “(c) PRIORITY.—In making grants under subsection  
2 (a), the Secretary shall give priority to—

3               “(1) local educational agencies (or consortia of  
4 local educational agencies) that serve the most high-  
5 need schools; and

6               “(2) local educational agencies (or consortia of  
7 local educational agencies) that serve schools with  
8 concentrations of students in 1 or more categories  
9 described in section 1111(b)(2)(C)(v)(II) of the Ele-  
10 mentary and Secondary Education Act of 1965 (20  
11 U.S.C. 6311(b)(2)(C)(v)(II)) in their student popu-  
12 lations.

13       “(d) RELATIONSHIP TO OTHER LAW.—The Sec-  
14 retary shall make grants under this section, notwith-  
15 standing title VII of the Civil Rights Act of 1964 (42  
16 U.S.C. 2000e et seq.).

17       “(e) MATCHING FUNDS.—

18               “(1) IN GENERAL.—The Secretary may not  
19 make a grant to an eligible entity under subsection  
20 (a) unless the eligible entity agrees that, with re-  
21 spect to the costs to be incurred by the eligible enti-  
22 ty in carrying out the activities for which the grant  
23 is awarded, the eligible entity will make available  
24 non-Federal contributions in an amount equal to not

1 less than 10 percent of the Federal funds provided  
 2 under the grant.

3 “(2) SATISFYING MATCHING REQUIREMENT.—

4 The non-Federal contributions required under para-  
 5 graph (1) may be—

6 “(A) in cash or in-kind, including services,  
 7 fairly evaluated; and

8 “(B) from—

9 “(i) any private source; or

10 “(ii) a State educational agency or  
 11 local educational agency.

12 “(3) WAIVER.—The Secretary may waive or re-  
 13 duce the non-Federal contribution required by para-  
 14 graph (1) if the eligible entity involved demonstrates  
 15 that the eligible entity cannot meet the contribution  
 16 requirement due to financial hardship.

17 “(f) DURATION.—

18 “(1) DETERMINATION.—In determining wheth-  
 19 er to make a grant to an eligible entity for a school  
 20 district, the Secretary shall determine whether the  
 21 elementary schools and secondary schools in the dis-  
 22 trict have attracted a sufficiently diverse group of  
 23 teachers to provide the educational benefits de-  
 24 scribed under subsection (b)(2)(C).



1           “(2) GRANT.—The Secretary shall make the  
 2           grant only if the Secretary determines that the  
 3           schools described in paragraph (1) have not at-  
 4           tracted that group and need additional activities  
 5           under this section to provide the educational bene-  
 6           fits.

7   **“SEC. 2502. REPORTS TO SECRETARY.**

8           “An eligible entity receiving a grant under section  
 9   2501(a) shall submit to the Secretary not later than 90  
 10   days after the end of each school year in which the eligible  
 11   entity receives grant funds a report that contains—

12           “(1) a description of the activities for which the  
 13           eligible entity used grant funds during such school  
 14           year;

15           “(2) data concerning, with respect to the  
 16           schools served by the eligible entity—

17           “(A) the number of individuals from  
 18           underrepresented groups that began teaching  
 19           during such school year;

20           “(B) the retention rate of teachers who are  
 21           individuals from underrepresented groups;

22           “(C) in the case of the report covering the  
 23           last school year in which the eligible entity re-  
 24           ceives grant funds, indicators of student aca-  
 25           demic achievement during such school year as

1 compared with previous school years,  
2 disaggregated, if possible, by the achievement  
3 of—

4 “(i) economically disadvantaged stu-  
5 dents;

6 “(ii) students from major racial and  
7 ethnic groups;

8 “(iii) students with disabilities; and

9 “(iv) students with limited English  
10 proficiency;

11 “(D) student graduation rates for the  
12 school year covered by the report as compared  
13 with previous school years, if applicable in the  
14 case of the schools served by the eligible entity;  
15 and

16 “(E) student attendance rates for the  
17 school year covered by the report as compared  
18 with previous school years; and

19 “(3) a description of and data regarding such  
20 characteristics of the schools served by the eligible  
21 entity, and the students of such schools, as the Sec-  
22 retary considers appropriate, including the number  
23 and percentage of students in each of the groups  
24 listed in clauses (i) through (iv) of paragraph (2)(C).

1 **“SEC. 2503. BEST PRACTICES INFORMATION CLEARING-**  
2 **HOUSE.**

3 “(a) IN GENERAL.—The Secretary shall evaluate the  
4 success of the activities carried out by eligible entities  
5 using grant funds received under section 2501(a) and  
6 compile a database of best practices for recruiting, con-  
7 ducting outreach to, training, and retaining individuals  
8 from underrepresented groups as public elementary school  
9 and secondary school teachers. The Secretary shall make  
10 such database available to eligible entities (regardless of  
11 whether the eligible entities have received grants under  
12 such section) through an Internet Web site.

13 “(b) FUNDS AVAILABLE.—Of the amounts appro-  
14 priated to carry out this part for a fiscal year, the Sec-  
15 retary may use not more than 10 percent to carry out  
16 this section during such fiscal year.

17 **“SEC. 2504. DEFINITIONS.**

18 “In this part, the following definitions apply:

19 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
20 tity’ means—

21 “(A) a local educational agency (or consor-  
22 tium of local educational agencies); or

23 “(B) an entity that—

24 “(i) has entered into a partnership  
25 with a local educational agency (or consor-  
26 tium of local educational agencies) in

1           which the local educational agency (or con-  
 2           sortium of local educational agencies) is  
 3           the primary partner; and

4           “(ii) is a private nonprofit organiza-  
 5           tion, an educational service agency, an in-  
 6           stitution of higher education, or a State  
 7           educational agency.

8           “(2) HIGH-NEED HIGH SCHOOL.—The term  
 9           ‘high-need high school’ means a secondary school—

10           “(A) in which the entering grade of the  
 11           school is not lower than grade 9 and that in-  
 12           cludes grade 12; and

13           “(B) that has a graduation rate of not  
 14           more than 65 percent in each of the 2 academic  
 15           years prior to the submission of the grant appli-  
 16           cation.

17           “(3) HIGH-NEED MIDDLE SCHOOL.—The term  
 18           ‘high-need middle school’ means a secondary  
 19           school—

20           “(A) in which the entering grade is not  
 21           lower than grade 6 and the highest grade is not  
 22           higher than grade 9; and

23           “(B) from which not less than 35 percent  
 24           of the students who complete such school enroll  
 25           in a high-need high school.

1           “(4) HIGH-NEED SCHOOL.—The term ‘high-  
 2           need school’ means a public school, including a char-  
 3           ter school (as such term is defined in section  
 4           5210(1))—

5                   “(A) in which not less than 40 percent of  
 6           the enrolled students are eligible to receive free  
 7           or reduced price lunches under section 9(b) of  
 8           the Richard B. Russell National School Lunch  
 9           Act (42 U.S.C. 1758(b)); or

10                   “(B) that is a high-need high school or a  
 11           high-need middle school.

12           “(5) INDIVIDUAL FROM AN UNDERREP-  
 13           RESENTED GROUP.—The term ‘individual from an  
 14           underrepresented group’ means an individual who is  
 15           a member of a racial or gender group that has his-  
 16           torically been underrepresented among teachers in  
 17           public elementary schools and secondary schools in  
 18           the school district involved.

19 **“SEC. 2505. AUTHORIZATION OF APPROPRIATIONS.**

20           “‘There are authorized to be appropriated to carry out  
 21           this part such sums as are necessary for fiscal years 2011  
 22           through 2016.’”.

23           (b) CLERICAL AMENDMENT.—The table of contents  
 24           in section 2 of the Elementary and Secondary Education

- 1 Act of 1965 is amended by adding after the item related
- 2 to section 2441 the following:

“PART E—RECRUITMENT, TRAINING, AND RETENTION OF TEACHERS,  
INCLUDING TEACHERS FROM UNDERREPRESENTED GROUPS

- “Sec. 2501. Grant program.
- “Sec. 2502. Reports to Secretary.
- “Sec. 2503. Best practices information clearinghouse.
- “Sec. 2504. Definitions.
- “Sec. 2505. Authorization of appropriations.”.

